

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN WAYS, JR.,

Defendant.

8:12CR391

ORDER

This matter is before the court on the mandate of the United States Court of Appeals for the Eighth Circuit ("Eighth Circuit"), [Filing No. 711](#). See [Filing No. 707](#), Eighth Circuit Opinion; [Filing No. 708](#), Eighth Circuit Judgment.

After a trial to a jury, defendant John Ways, Jr. (hereinafter, "Ways, Jr.") was convicted of conspiracy to sell or offer for sale drug paraphernalia (Count 1), conspiracy to distribute or possess with intent to distribute controlled substances (Count 2), conspiracy to launder money (Count 3) and being a felon in possession of ammunition (Count 4). See [Filing No. 473](#), Verdict. This court sentenced Ways, Jr. to 36 months' imprisonment on Count 1, 180 months' imprisonment on Count 2, 180 months' imprisonment on Count 3 and 120 months' imprisonment on Count 4. See [Filing No. 623](#), Judgment. On appeal, the Eighth Circuit affirmed Ways, Jr.'s convictions and sentences on Counts 1 through 3 but reversed his conviction on Count 4. [Filing No. 707](#), Eighth Circuit Opinion at 14-15.

Pursuant to the Eighth Circuit's mandate, defendant Ways's conviction and sentence on Count 4 will be vacated and an amended judgment will issue. Because Ways, Jr.'s sentence on Count 4 was concurrent to the sentences affirmed on appeal, the length of time he serves will not be affected. The court notes that it would have

imposed the same sentences for the other counts of conviction regardless of his conviction on Count 4. Accordingly,

IT IS ORDERED that:

1. Defendant John Ways, Jr.'s conviction for being a felon in possession of ammunition under Count 4 of the Indictment is hereby vacated.

2. An Amended Judgment in a Criminal Case will issue this date.

Dated this 10th day of November, 2016.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge